

## Licensing Committee

**Minutes of the remote meeting (via Microsoft Teams) on 13 August 2020 at 10.00am**

**Present:**

Councillor Sean MacLeod (Chair)

Councillor Christine Robinson (Vice-Chair); Councillors Sam Adeniji, Liz Boorman, Roy Clay, Stephen Gauntlett, Isabelle Linington, Jim Lord and Milly Manley

**Officers in attendance:**

Ed Hele (Functional Lead – Quality Environment)  
Jennifer Norman (Committee Officer, Democratic Services)  
Michele Wilkinson (Lawyer - Housing & Regulatory)

**1 Introductions**

The Chair introduced members of the Committee via roll call, and those officers present during the remote meeting.

**2 Apologies for absence/declaration of substitute members**

An apology for absence had been received from Councillor Keira Rigden.

**3 Declarations of interest**

There were none.

**4 Election of Vice-Chair**

Resolved:

That Councillor Christine Robinson be elected Vice-Chair of the Licensing Committee for the remainder of the 2020/2021 municipal year.

**5 Minutes**

The minutes of the meeting held on 19 September 2019 were submitted and approved, and the Chair was authorised to sign them as a correct record.

**6 Written questions from councillors**

There were none.

## **7 Dual Taxi and Private Hire Driver Licence**

The Committee received a report which asked Members to review the consultation responses in relation to the Dual Taxi and Private Hire Driver Licence, and to consider the approval of the introduction of Dual Drivers Licences throughout Lewes District.

Currently Lewes District Council offered Hackney Carriage, Private Hire, Restricted Private Hire and Dual Driver licences. Restricted Private Hire licences allowed the driver to undertake school contract service but they were not permitted to do other private hire work within the District.

The Functional Lead for Quality Environment (“FLQE”) reminded the Committee that it had approved new Hackney Carriage and Private Hire Guidance at its previous meeting on 19 September 2019, but had requested that Officers undertake further consultation with regards to the implementation of Dual Driver Licences.

The consultation took place from 10 February 2020 and concluded on 3 April 2020. The consultation asked a number of questions but also invited general feedback from members of the public and taxi trade. The consultation concerned the implementation of Dual Driver Licences, which would replace the current separate Private Hire and Hackney Drivers Licences. Restricted Private Hire Licences would continue in relation to school contract work. The issues included whether new Dual Drivers Licences should be issued as standard, and whether existing licensed drivers could apply for a new dual licence if they wish to do so.

The FLQE detailed the consultation process and its findings as set out in paragraphs 2.1 to 2.12 of the report. He also highlighted an error in the report, noting that the first line of paragraph 2.3 should indicate 148 consultation responses received, not 138 as printed.

Discussions included:

- Whether or not the current Hackney Carriage knowledge tests would be the same as the new ones. The FLQE indicated that the new tests would require a higher level of awareness by applicants regarding points of interests within the District, with different sections of the knowledge tests covering various routes and which routes would be the most appropriate to take from point A to point B, whereas Private Hire tests only had one section requiring applicants to be knowledgeable of only the main routes.
- That residents of the District appeared to be in favour of the Dual Drivers licences. The Committee noted that this was an encouraging response.
- Whether Private Hire or Hackney Carriage Licence holders could continue with single licence and for how long, before they would be

required to hold a Dual Licence. The FLQE clarified that as long as the existing drivers continued to renew their licences, passed the necessary checks and paid the appropriate fee, they could continue to hold a single licence. He further clarified that the intention was not to force a Dual Licence upon current Private Hire or Hackney Carriage Licence holders within Lewes District.

- Whether or not current Private Hire or Hackney Carriage Licence holders would be required to undertake the equalities and disabilities training even if they had already undertaken the higher standard knowledge test? The FLQE confirmed that current Private Hire and Hackney Carriage Licence holders would still have to take the equalities and disabilities training.

Resolved:

- 1) That all successful new driver applicants within Lewes District be issued a Dual Drivers Licence as standard;
- 2) That all new Dual Drivers Licence applicants within Lewes District be required to undertake the higher standard knowledge test;
- 3) That existing Private Hire Drivers within Lewes District be required to undertake the higher standard knowledge test as part of any application for a Dual Drivers Licence;
- 4) That current Hackney Carriage Licence holders within Lewes District not be required to undertake the standard knowledge test as part of any application for a Dual Drivers Licence; and
- 5) That the Council's Environmental Health and Licensing Senior Specialist Advisor, in consultation with the Chair of the Licensing Committee, be delegated to implement resolutions 2 and 3 of the report and that the Committee be kept informed as to the progress of the implementation.

## **8 Street Trading Guidance Review**

The Committee considered the report which detailed the findings of the Street Trading Guidance consultation. It requested that Members agree the final Street Trading Guidance document to be formally adopted at a date to be agreed by the Council's Environmental Health and Licensing Senior Specialist Advisor in consultation with the Chair of the Committee, and for the Committee to be informed of the date once decided.

The FLQE highlighted that the Committee had previously agreed the Street Trading Guidance together with an application process and conditions for Lewes District Council in May 2014. The Guidance was reviewed in March 2015. In addition, the Council had committed to reviewing the Street Trading Guidance when required and at a minimum once every 5 years.

The FLQE explained that there had been an increase in the use of the Lewes pedestrian precinct by individual stalls and markets, which had caused friction with existing business premises. Feedback had been received regarding the use of the precinct including concern about the intensification in the use of its use and the appearance of stalls and seating. The Committee had considered a draft Street Trading Guidance on 14 February 2019 and agreed for this document to go out for consultation. The FLQE detailed the results of the consultation process in paragraphs 2.1 to 2.2 of the report. The FLQE referred to the summary of the consultation responses as set out in paragraphs 3.2 to 3.17 of the report.

Discussion included:

- If the Council had the power to ask traders to move A boards if they were blocking foot paths. The FLQE clarified that it was within the Council's remit to ask traders to move A boards if they were blocking footpaths but only within Newhaven and Lewes precincts. Anything outside of these areas was within the remit of East Sussex County Council.
- Clarity surrounding the Public Liability Insurance Guidance minimum value of £2m as detailed in paragraph 17 of Appendix 2, as other reports had indicated the figure was £5m. The FLQE confirmed that he would consult the Council's Insurance Officer to confirm the correct amount.
- The safety surrounding how the stalls were secured. The FLQE confirmed that the majority of the stalls were secured with weights and had a maximum wind rating speed for when they could be in place.

Resolved:

- 1) That the consultation responses received as set out in Appendix 1 be noted.
- 2) That in relation to the substantive issues arising from the consultation process, referred to in paragraphs 3.2 to 3.18 of the report, it was agreed that:
  - That the first option in paragraph 3.11 of the report approved, as set out in paragraph 5 on page 24 of Appendix 2;
  - That the increase in fees in relation to cleaning not be charged, as set out in paragraph 3.12;
  - That no dress code be required for street traders, as set out in paragraph 3.13;
  - That no additional restrictions be included, as set out in paragraph 3.14;
  - That vehicles not be restricted, as set out in paragraph 3.15;
  - That no restrictions, as set out in paragraph 3.16, be imposed on set up and dismantling times of stalls;

- That the changes detailed in paragraph 3.17 be adopted into the Street Trading Guidance.
- 3) That the Street Trading Guidance, as per Appendix 2, be adopted subject to the amendment below:
- That the setting up period as set out in paragraph 3.5 be increased to 120 minutes unless prior agreement with the Council's Licensing department has been confirmed.
- 4) That the Council's Environmental Health and Licensing Senior Specialist Advisor be delegated to undertake the necessary steps to produce a final Street Trading Guidance and publish the Guidance on a date to be decided in consultation with the Chair of the Licensing Committee, and that the Committee to be informed of the date once decided.

## **9 Date of next meeting**

### Resolved:

That the next meeting of the Licensing Committee which is scheduled to commence at 10:00am on Thursday, 24 September 2020, in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations, be noted.

The meeting ended at 11.25am.

Councillor Sean MacLeod (Chair)